As stated in the previous Office Action, filed June 20, 2002, the main difference between the sight disclosed by Toole and the sight of the invention is that the invention relates to a sight by which the sighting person looks through a tube in order to place a light spot produced by a laser diode on a reflective surface of a lens in order to place the light spot on the target which is also seen through the tube. The sight of Toole produces a light beam, which is emitted from the sight and intersects with the target and the sighting person has to direct the weapon towards the spot produced by the light beam on the target. The Examiner's statement that Toole inherently discloses a partly reflective surface in order to emit a beam of light has no basis in fact.

Claim 15 recites:

> ...a tube having a distal end and a proximal end and defining a light channel, a lens located at said distal end of said tube and having a partially reflecting surface, a light source including a laser diode located in said tube for emitting light towards said partially reflecting surface to produce a light spot by direct imaging of said laser diode on said partially reflecting surface, said light spot forming an aim point which can be seen in said light channel from said proximal end of said tube to be superimposed on a target observed through said lens when sighting through said light channel from said proximal end of said tube...an energizing circuit for energizing said laser diode operable to apply a pulsating electric current from said battery to said laser diode for causing said laser diode to emit pulses of light...control means...for adjusting an intensity of said light spot by pulse width modulation...

Toole fails to teach these claimed limitations. Toole does not disclose a partially reflecting surface at the proximal end of the tube forming part of the sight according to the invention. Light is not emitted towards such a partially reflecting surface to produce a light spot by direct imaging of an LED on the partially reflecting surface in order that the light spot shall form an aim point which can be seen in the tube from the proximal end of the tube to be superimposed on a target observed through the lens when sighting through the tube from the proximal end of the tube. Additionally, the energizing circuit described by Toole is not designed to apply a pulsating electric current from the battery to the LED for causing the LED to emit pulses of light and no pulse width modulation of the LED is proposed by Toole.

With respect to the rejection of claims 15-21 under 35 USC 102(b) over Moore, the sight disclosed in this reference is of the same type as that disclosed by Toole. According to Moore, the sight includes an electric circuit 110 which energizes a laser diode 112 by means of pulses but there is no mentioning of pulse width modulation of the laser diode.

Accordingly, the light emitting module of Moore is based on an LED or a laser diode. It is an active system, which projects a light spot onto the target. Moore also teaches the design of the adjustment of the light emitting module. The power

consumption is high since the diode is fed with direct current and is energized as long as the switch 126 is activated. The light output from the laser diode should be as high as possible to create a bright spot on the target.

The system disclosed by Toole is very similar to Moore since it is also an active system which projects an aiming spot on the target and has the same power consumption and light output requirements as the system of Moore.

In the present application, the system disclosed therein is a passive system which is not projecting an aiming spot onto the target but is generating by reflection a red spot on the lens of the sight. The target is observed through this lens, and the reflected red spot is used as an aiming point. It is necessary to adjust the light output from the laser diode so that the red spot is visible but not too weak as compared with the light level of the target. A red spot which is too bright would blind the target, and a red spot which is too weak will not be visible.

For the reasons set forth above, it is Applicant's position that neither Toole nor Moore teach each and every limitation of the claims as required by 35 USC 102(b). Therefore, it is respectfully requested that the final rejection of claims 15-21 be withdrawn and the application be passed to issue. In the event the Examiner has further difficulties with the allowance

of the application, he/she is invited to contact the undersigned attorney by telephone at (412) 380-0725 to resolve any remaining questions or issues by interview and/or by Examiner's amendment as to any matter that will expedite the completion of the prosecution of the application.

Respectfully submitted,

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